

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Kittery Point Partners, LLC,

Debtor

Chapter 11

Case No. 17-20316

ORDER LIFTING STAY OF PROCEEDINGS

In 2018, the Court stayed further proceedings in this case to facilitate resolution of a civil action between the Debtor and Bayview in the Maine Superior Court (the “State Court Action”). In so doing, the Court observed that “[e]ntry of a final judgment by the Maine Superior Court as to all claims raised in the State Court Action would assist this Court in the administration of this chapter 11 case.” [Dkt. No. 192.]

The Debtor and Bayview have informed the Court that the Superior Court has issued a judgment, *see* [Dkt. Nos. 205 & 206], and, despite the pendency of an appeal from that judgment, this Court considers the judgment to be a final judgment for preclusive purposes. Anxious to move forward with its chapter 11 case, the Debtor has asked the Court to terminate the stay. Bayview objects and sees wisdom in continuing to wait for the ultimate resolution of the State Court Action. The Court held a status conference on June 27, 2019. After considering the parties’ arguments at that conference, their reports, and the exhibits thereto, the Court GRANTS the Debtor’s request to lift the stay of proceedings under 11 U.S.C. § 305.

The parties are ordered to file, on or before July 12, 2019, the briefing schedule for the pending appeal at the Maine Supreme Judicial Court or, alternatively, a written statement describing that schedule. The parties are ordered to file, with this Court, copies of the principal and reply briefs filed with the Law Court. As to any such briefs already submitted to the Law

Court, copies must be filed with this Court on or before July 12, 2019; as to any such briefs not submitted to the Law Court as of the date of this order, copies must be filed with this Court within three business days after such briefs are filed with the Law Court. The Debtor is also ordered to file a copy of the complaint filed in Maine state court in the malpractice action that was referenced during the June 27 status conference. Finally, the parties are ordered to contact the Courtroom Deputy on or before July 16, 2019 to schedule a pretrial conference in early August. At that conference, the Court may establish procedures for resolution of the matters presently pending in this case and in the related adversary proceeding.

Dated: July 9, 2019



Michael A. Fagone
United States Bankruptcy Judge
District of Maine